

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

JENIFER GARZA,)	
)	
Plaintiff,)	
)	
vs.)	
)	
WHATABURGER FRANCHISE, LLC,)	
a foreign limited liability company,)	CIV-14-154-HE
)	
and)	
)	
WHATABURGER RESTAURANTS, LLC,)	
)	
)	
Defendants.)	

NOTICE OF REMOVAL

TO: The Honorable Judges of the United States District Court for the Western District of Oklahoma.

Pursuant to and in compliance with 28 U.S.C. §§ 1331, 1441 and 1446, and LCvR81.2, the removing party, Defendants Whataburger Franchise, LLC and Whataburger Restaurants, LLC, by their undersigned attorney, respectfully show this Court as follows:

1. Whataburger Franchise, LLC and Whataburger Restaurants, LLC, are Defendants in a civil state court action entitled *Jenifer Garza v. Whataburger Franchise, LLC*, Case Number CJ-14-65W, in the District Court of Cleveland County, State of Oklahoma, in which Plaintiff asserts claims for damages against Defendant for violations of and to secure protection of and to redress deprivation of rights secured by Title VII of the Civil Rights Act of 1964, the Family Medical Leave Act of 1993 and tort claims under Oklahoma law. A copy of Plaintiff's Original Petition against the Defendants is attached hereto as Exhibit 1.

2. Defendant was served with the Petition and Summons in the state court action on January 28, 2014. A copy of the Summons is attached hereto as Exhibit 2.

3. Plaintiff Jenifer Garza, an individual, is a citizen of the State of Oklahoma.

4. Defendant is a foreign limited liability company formed under the laws of the State of Texas, having business operations in Oklahoma.

5. Plaintiff alleges harassment and retaliation under Title VII (42 U.S.C. § 2000-2), denial of benefits and interference with her rights under the FMLA (29 U.S.C. §2601, *et seq.*).

6. Federal subject matter jurisdiction exists by reason of federal question, pursuant to 28 U.S.C. § 1331. Therefore, this Court has jurisdiction over this matter.

7. This Notice of Removal is filed within 30 days after the Defendants were served with the Petition as required by 28 U.S.C. § 1446(b).

8. Pursuant to 28 U.S.C. § 1446(a), copies of all process, pleadings, or orders served upon Defendant at the time of removal are attached hereto as Exhibits 1 and 2. There have been no Orders entered and no motions pending before the State Court at the time of removal.

9. Pursuant to LCvR81.2, a copy of the State Court's Docket Sheet at the time of removal is attached hereto as Exhibit 3.

10. Pursuant to 28 U.S.C. § 1446(d), and contemporaneously with the filing of this Notice of Removal, Defendant has provided written notice of filing to Plaintiff and filed same with the Clerk of the District Court of Cleveland County, Oklahoma.

WHEREFORE, for all the reasons set forth above, Defendant removes the above-entitled action from the District Court of Cleveland County, State of Oklahoma, to the United States District Court for the Western District of Oklahoma and invokes this Court's jurisdiction.

Respectfully submitted,

s/ Kevin P. Doyle

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Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of February, 2014, I electronically transmitted the foregoing document to the Clerk of the Court using the ECF System for filing. Based on the electronic records currently on file, the Clerk of the Court will transmit a Notice of Electronic Filing to the following ECF registrant:

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s/ Kevin P. Doyle

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